

## **AN OPEN LETTER TO JEFFERSON PARISH SCHOOL BOARD MEMBERS**

SUBJECT: Helen Cox High School administrators' student grades dispute  
FROM: Willie M. Zanders, Sr., Attorney for several administrators  
DATE: Monday, July 29, 2019 (12 Noon)

### **HONORABLE BOARD MEMBERS,**

Please accept this letter as an extraordinary but legally necessary request for Board Review of on behalf of three administrators from Helen Cox High School. Board intervention is necessary because Superintendent Cade Brumley and his subordinates prematurely accused them of wrongdoing before they could explain why students were assigned certain grades. Even worst, as of this date, neither Superintendent Brumley nor his staff have given the accused administrators the names or initials of the five students involved the dispute---making it impossible for them to explain the grades in question. One of my clients was suspended but had zero involvement with student grades (period). The public has been given a fake news and hard-earned reputations have been damaged in the process.

I believe the allegations involving five students who had to pass a competency test to graduate May 2019 in no way compares to the unreported fact that Superintendent Cade Brumley's top administrators made a last minute push (two weeks before graduation) to increase the school district's graduation rate. Reportedly, more than seventy (70) students with excessive absences were on lists sent to all high schools in the parish. Students who had missed several months of school were identified, re-enrolled, given on-line tests and fast-tracked to graduate with the 2018-19 class. See the section below for more details.

This letter concludes with a formal request for this Board to order the immediate re-instatement of the administrators at Helen Cox and that a special investigator be appointed to ensure that they receive due process, fairness and equal protection. This Board should also order an audit of all seniors who were allowed to re-enroll in Jefferson Parish high schools in May 2019, just weeks before graduation.

### **INSTRUCTIONS FROM AN ASSISTANT UNDER SUPERINTENDENT BRUMLEY**

Good morning all,

One of the outcomes on May 7 ILT/Cluster was to track seniors that exited 18-19 school year and re-engage to complete graduation requirements.

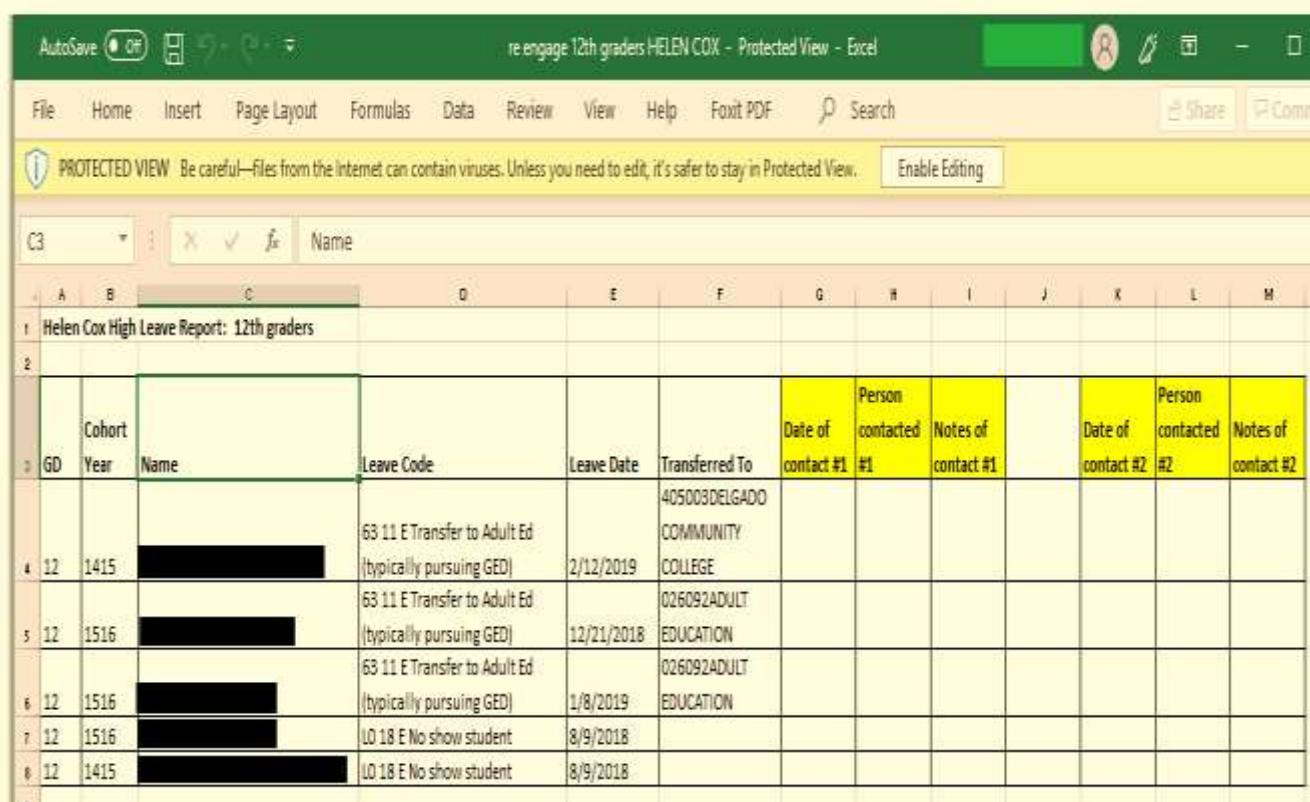
Therefore, please submit the completed contact log along with appropriate graduation checklists for all of the students on the contact log sheet by **Thursday, May 16.**

If a student was on COA, do not submit a graduation checklist, and please indicate that the student was on COA in the notes column of the contact log.

Attached you will find the following:

1. ILT/Cluster from May 7
2. contact log with 12th graders who exited during 2018-2019 school year with non-legitimate leave codes

### **ATTACHED LIST OF STUDENTS WITH EXCESSIVE, UNEXCUSED ABSENCES**



Helen Cox High Leave Report: 12th graders											
ID	Cohort	Name	Leave Code	Leave Date	Transferred To	Date of contact #1	Person contacted #1	Notes of contact #1	Date of contact #2	Person contacted #2	Notes of contact #2
						#	#			#	#
1	12	1415	63 11 E Transfer to Adult Ed (typically pursuing GED)	2/12/2019	405003DELGADO COMMUNITY COLLEGE						
2	12	1516	63 11 E Transfer to Adult Ed (typically pursuing GED)	12/21/2018	026092ADULT EDUCATION						
3	12	1516	63 11 E Transfer to Adult Ed (typically pursuing GED)	1/8/2019	026092ADULT EDUCATION						
4	12	1516	LO 18 E No show student	8/9/2018							
5	12	1415	LO 18 E No show student	8/9/2018							

The May 2019 “High Priority” email from Superintendent Cade Bromley’s staff instructed Helen Cox High School and all high schools to re-enroll, “re-engage” and give online tests to help seniors graduate in two weeks despite having missed several months of school. **Note:** the “Leave Code” which shows the last day these students had attended Helen Cox High School.

There were two “No Shows” as of August 9, 2018---perhaps students who never started the 2018-19 school year. Were any of these students among the five seniors that Helen Cox administrators were accused of “fixing grades”? Again, my clients have not been given the names of the students who were involved.

## **REPLY FROM AN ADMINISTRATOR AT HELEN COX HIGH SCHOOL WHO WAS SIMPLY FOLLOWING INSTRUCTIONS FROM THE CENTRAL OFFICE**

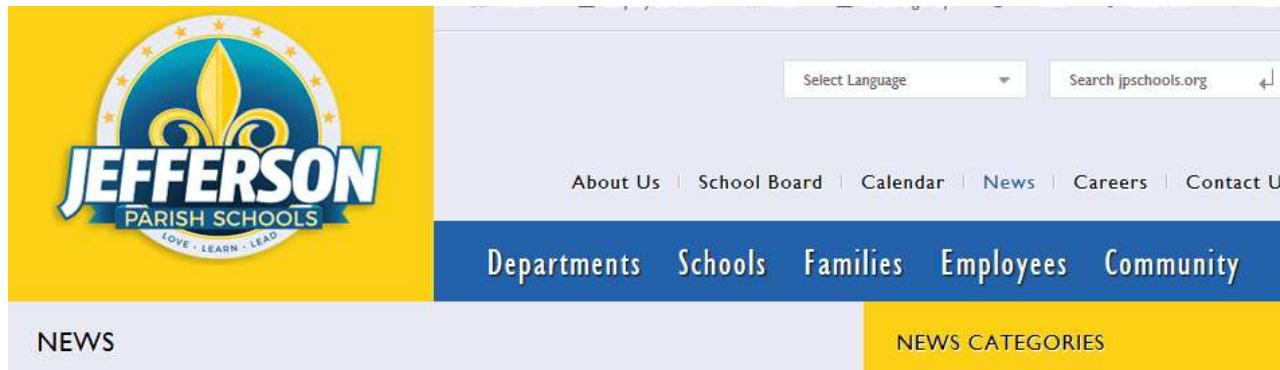
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Good Evening XXXXXXXXXX,

Attached is the work sheet of the re-engaged students for Helen Cox. We are proud that four of the five returned, were given their requirements and placed in their Plato classes for their graduation eligibility.

XXXXXXXXXXXXXXXXXX

## **SUPERINTENDENT BRUMLEY AND HIS TOP ASSISTANT ON THE INCREASED GRADUATION RATE: “THIS IS AN INCREASE WORTH CELEBRATING” !**



### **Graduation Rate Increases in Jefferson Parish Schools**

May 15, 2019

The Louisiana Department of Education announced graduation outcomes for the Class of 2018 today and Jefferson Parish Schools’ graduation rate improved by 1.6%. The district’s 2018 cohort graduation rate is 73.4. That’s a jump from 71.8% the previous year.

“This is an increase worth celebrating, as it means more students earned their high school diploma than in previous years,” said JP Schools Superintendent Dr. Cade

Brumley. “It also solidifies the need to continue pushing for better outcomes for all students.”

Last spring and summer, the district launched a coordinated effort to identify each senior’s status towards graduation. School and district leaders also analyzed data to locate students at risk of not graduating and worked alongside those families to help students succeed.

“We don’t want any of our kids to lose out,” said JP Schools Chief of Schools Dr. James Gray. “The more education someone gets, the better off they will be in life. It’s important that we always go the extra mile to prepare our students for life after high school.”

## **AN INVESTIGATE INTO POSSIBLE VIOLATION OF STATE LAW IS WARRANTED**

Unlike the rush to judgment by Jefferson Parish school officials, I will not say state law has been violated and can only hope that the mandate to “Re-engage students” was not in violation of Louisiana law that requires a student to attend school 167 days per year to be eligible for graduation.

### **Louisiana Revised Statute 28:1103**

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**G.** Elementary students shall be in attendance a minimum of 60,120 minutes (equivalent to 167 six-hour days) a school year. In order to be eligible to receive grades, **high school students shall be in attendance a minimum of 30,060 minutes (equivalent to 83.5 six-hour school days), per semester or 60,120 minutes (equivalent to 167 six-hour school days) a school year** for schools not operating on a semester basis.

However, unexcused absences cannot not be made up and “Students shall be given failing grades in those days missed and shall not be given an opportunity to make up work.”

### **Louisiana Revised Statute 28:1105**

#### **§1105. Types of Absences**

**D. Unexcused Absence**—any absence not meeting the requirements set forth in the excused absence and extenuating circumstances definitions, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program. Students shall be given failing

grades in those days missed and shall not be given an opportunity to make up work.

## **BACK TO THE PREMATURE AND UNINFORMED ALLEGATIONS ABOUT “GRADE FIXING” AND “RECORDS FRAUD”**

Below, are four (4) common, necessary and completely legal reasons why school administrators in Jefferson Parish Public Schools change or manually assign student grades. Uninformed observers or even Board members may confuse assigning a student a grade with “changing” a student’s grade. Changing a grade from “F” to “D” or replacing a “X” for excessive absences with a letter grade is not grade fixing or record fraud---it’s doing one’s job as a teacher, principal or counselor.

No public servant should be falsely accused of such a serious offense as grade fixing ----- especially against a recent “Principal of the Year” whose school consistently had one of the highest graduation rates in the school district and an unblemished employment record. It is both sad and un-American that school employees are subjected to public ridicule and humiliation based on premature, unsubstantiated and half-baked allegations.

- a) “Grade fixing” and “records fraud” at Helen Cox High School dominated several news cycles last week, but now we have enough information to help these employees fight to save their good name and to teach students they love.**

*Four Helen Cox HS administrators on paid leave after ‘records fraud’ investigation, JP Superintendent says*

*The LENS, by Marta Jewson | July 22, 2019*

Four Helen Cox High School administrators in the Jefferson Parish Public School System are on paid leave amid an investigation into improper grade changes that affected five students, Superintendent Cade Brumley told The Lens Monday.

“We found that as we did our investigation, five students who had received their diploma in May, they had a grade changed in one of courses,” Brumley said.

The district received the information about the so-called “records fraud” and launched the investigation after graduation, Brumley said. The five students each had a grade changed in a different course.

Brumley did not provide specifics on the nature of the changes, saying only that the grades ... increased in the students' favor.

**b) School officials should have informed the public there are several mandated or valid reasons to change student grades.**

1. According to Louisiana State Department of Education Bulletin 741, Section 2318, a student who scores “Approaching Basic” in English I, II, Algebra or Geometry on LEAP 2025 Tests should receive a letter grade no lower than “D”. When these state- mandated grade changes are made by school administrators for graduating seniors they should not be falsely labelled “academic fraud. *See attachment “A” for the state’s grade conversion chart.*
2. Manual changes of students’ grades are mandated when a student has a substitute teacher who is not qualified to enter grades. During the 2018-19 School Year, Helen Cox had many short-term and long-term substitute teachers. Counsellors and the Assistant Principals were required to manually enter grades for those students.
3. Under Jefferson Parish School Board Policy, a teacher’s determination of a student’s grade may be changed or altered when the building level administrator has determined that the grade is in error, or the grade is demonstrably inconsistent with the teacher’s grading policy.
4. Additionally, manual changes are allowed in “Make Up Seat Time” (MUST) when a student with excessive absences has successfully completed required hours of makeup time on Saturdays or after school. ***Note: In those instances, an “X” is manually removed and replaced with letter grade by Counsellor, Assistant Principal or Principal.***

**c) School Board policy mandates confidential investigations but Helen Cox employees have been “convicted” in the media by school officials who love to be quoted in the media.**

Two suspended employees did not submit rebuttal statements to Superintendent Cade Brumley until Friday, July 26, 2019, but as early as July 22<sup>nd</sup>, their names and reputations had been damaged by statements from various school officials.

Staff reporters for The Times-Picayune/New Orleans Advocates made a quantum leap to allegations of criminal wrongdoing at Kennedy High School in New Orleans which was totally different from the facts involved in the Helen Cox matter. But based on the fake news, Helen Cox administrators are guilty until proven innocent.

The Helen Cox revelation comes just weeks after dozens of seniors at John F. Kennedy High School in New Orleans had their diplomas revoked after a massive controversy unfolded at New Beginnings Schools Foundation, the school's charter operator, involving grade-fixing and other serious credit-related problems for students in multiple grades.

While the release of full investigation results from the New Beginnings fiasco is still pending, the charter's board voted unanimously last week to surrender the charters for both of the organization's schools — Kennedy High and Pierre A. Capdau Charter School — by the end of the 2019-20 school year.

According to the newspaper, Superintendent Brumley "did not provide specifics on the nature of the changes, saying only that the grades increased in the students' favor." Why didn't the reporters ask the suspended administrators or their attorneys for their side of the story ?

#### **A FORMAL REQUEST FOR BOARD INTERVENTION**

#### **Due process and equal protection under the law are required in this employment dispute.**

It is fundamentally unfair and a denied of equal protection under the law for Superintendent Brumley to suspend and seek to terminate the three Helen Cox High School administrators I represent based on allegations made by disgruntled employees or bullied by the Superintendent's investigative staff ---- when dozens of high school dropouts were re-enrolled and allowed to graduate after missing 3, 4 or 5 months of school.

Even though Superintendent Brumley had not gotten a verbal or written explanation from any of my clients at the time, his top assistant was part of the accusatory and investigative team who rushed to judgment:

In a press release, Jefferson Parish Chief of Schools James Gray is quoted as saying: "The actions ... do not speak for what we stand for here in Jefferson Parish schools," Gray said. "We're building a culture where people feel safe coming forward any time they see someone doing wrong by kids."

Speaking of the "accusatory and investigative" team in Superintendent Bromley's Department of Human Resources, I will save my observations ---- except to report that one or more staff persons intimidated, threatened and encouraged my clients to resign or retire as soon as unproven allegations are made against

them. Central Office staff persons allegedly bullied co-workers of the accused--pressuring them to write statements supporting the administration's predetermined position. Sooner or later, these school officials will know what real "due process" looks like.

## **IN CONCLUSION**

This Board needs to intervene for three reasons based on federal law. The Helen Cox administrators are being denied due process and equal protection of law under Louisiana law and the 14th Amendment to the U. S. Constitution. When an employer creates and disseminates a false and defamatory impression about an employee in connection with his termination, it deprives the employee of a protected liberty interest under the 14<sup>th</sup> Amendment.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Absent a full, fair and independent opportunity to clear their good names and employment..., the Helen Cox administrators will be denied their protected liberty interest under the 14th Amendment to the U.S. Constitution.

The unreported allegations involving the efforts of Superintendent Cade Brumley staff to re-enroll high school dropouts (seniors who had been absent for months) and put them on a fast-track to graduate is a possible violation of state law. This practice is far more egregious than unproven Helen Cox allegations involving five graduates.

It is most unfortunate that this employment dispute has become a major distraction because Helen Cox students are some of the smartest and brightest in the state. They need to see how due process works; how the American Constitution works. However, Superintendent Cade Brumley's Office has shown them how public shaming works. This Board needs to teach the right lesson: "What is good for the goose is good for the gander." Time is of the essence and thanks in advance for considering this extremely important matter.

Sincerely,

*s/Willie Zanders*

Attorney Willie Zanders, Sr.

## LEAP 2025 High School Tests Scale Score to Grade Scale Conversion Tables

Students enrolled in a course for which there is a LEAP 2025 High School test must take the test (*Bulletin 741, Section 2318*). The LEAP 2025 High School test score shall count a percentage of the student's final grade for the course. The percentage must be between 15 and 30 percent inclusive, and shall be determined by the local district. The LDOE provides conversion tables to help districts factor the LEAP 2025 High School tests scores into final course grades.

The following table shows the relationship among LEAP 2025 achievement levels, scale scores, grade scale scores based on the uniform grading scale (93 85 75 67 0), and the corresponding letter grade.

	LEAP 2025 Achievement Level	LEAP 2025 Scale Score	Grade Scale Score	Grade
Algebra I	Advanced	803-850	93-100	A
	Mastery	750-804	85-92	B
	Basic	725-749	75-84	C
	Approaching Basic	700-724	67-74	D
	Unsatisfactory	650-699	0-66	F
English I	Advanced	791-850	93-100	A
	Mastery	750-790	85-92	B
	Basic	725-749	75-84	C
	Approaching Basic	700-724	67-74	D
	Unsatisfactory	650-699	0-66	F
Geometry	Advanced	783-850	93-100	A
	Mastery	750-782	85-92	B
	Basic	725-749	75-84	C
	Approaching Basic	700-724	67-74	D
	Unsatisfactory	650-699	0-66	F
English II	Advanced	794-850	93-100	A
	Mastery	750-793	85-92	B
	Basic	725-749	75-84	C
	Approaching Basic	700-724	67-74	D
	Unsatisfactory	650-699	0-66	F